

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CERTIFIED STEEL COMPANY,	:	CIVIL ACTION NO. 09-811 (MLC)
A DIVISION OF SHERWOOD	:	
INDUSTRIES, INC.,	:	
	:	
Plaintiff,	:	MEMORANDUM OPINION
	:	
v.	:	
	:	
SAMPSON STEEL FABRICATORS, LLC,	:	
	:	
Defendant.	:	
_____	:	

THE COURT ordering the plaintiff to show cause why the Complaint should not be dismissed for lack of jurisdiction under 28 U.S.C. § ("Section") 1332 (dkt. entry no. 3, Order to Show Cause); and the Court explaining (1) that the plaintiff had failed to properly assert the defendant's citizenship, and (2) the proper way to determine citizenship (id. at 1-4); and the Court also advising the plaintiff that if it failed to demonstrate jurisdiction by March 19, 2009, then it would be deemed to be in support of dismissal (id. at 5); and the plaintiff failing to respond to the Order to Show Cause; and

THE COURT thus intending to (1) grant the Order to Show Cause, and (2) dismiss the Complaint for lack of jurisdiction under Section 1332, without prejudice to the plaintiff to recommence the action in state court, as the limitations period for the cause of action is tolled by the filing of a federal

complaint, see Jaworowski v. Ciasulli, 490 F.3d 331, 333-36 (3d Cir. 2007); Galligan v. Westfield Ctr. Serv., 82 N.J. 188, 191-95 (1980); and for good cause appearing, the Court will issue an appropriate Order and Judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: March 20, 2009